

Introduced by Senator Wyland

February 22, 2007

An act to amend Sections 60850 and 60851 of the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL'S DIGEST

SB 637, as introduced, Wyland. Pupil assessment: high school exit examination.

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with state academic content standards. Existing law requires, commencing with the 2003–04 school year and each school year thereafter, each pupil completing grade 12 to successfully pass the exit examination as a condition of graduation from high school. Existing law requires that each pupil take the high school exit examination in grade 10 beginning in the 2001–02 school year and allows each pupil to take the examination during each subsequent administration, until each section of the examination has been passed.

This bill would require the Superintendent, with the approval of the State Board, to develop an additional section to be included in the high school exit examination that tests United States history and government in accordance with the statewide academically rigorous content standards for history/social science adopted by the State Board, as specified. The bill would require the Superintendent to subject the United States history and government section to specified field testing and review requirements prior to adoption by the State Board. The bill would require the State Board, by January 1, 2009, to adopt a United States history and government section developed by the Superintendent for inclusion

in the high school exit examination. The bill would require, commencing with the 2012–13 school year and each school year thereafter, each pupil completing grade 12, in addition to successfully passing the English language arts and mathematics sections of the high school exit examination, to successfully pass the United States history and government section adopted by the state board. The bill would require, commencing with the 2010–11 school year, each pupil to take the high school exit examination, including the United States history and government section, in grade 10 and would allow each pupil to take the examination during each subsequent administration, until each section of the examination has been passed.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60850 of the Education Code is amended
2 to read:
3 60850. (a) ~~The Superintendent of Public Instruction, with the~~
4 approval of the State Board of Education, shall develop a high
5 school exit examination in English language arts and mathematics
6 in accordance with the statewide academically rigorous content
7 standards adopted by the State Board of Education pursuant to
8 Section 60605. To facilitate the development of the examination,
9 ~~the superintendent~~ *Superintendent* shall review any existing high
10 school subject matter examinations that are linked to, or can be
11 aligned with, the statewide academically rigorous content standards
12 for English language arts and mathematics adopted by the State
13 Board of Education. By October 1, 2000, the State Board of
14 ~~Education~~ shall adopt a high school exit examination that is aligned
15 with statewide academically rigorous content standards.
16 (b) *The Superintendent, with the approval of the State Board,*
17 *shall develop an additional section to be included in the high*
18 *school exit examination that tests United States history and*
19 *government in accordance with the statewide academically*
20 *rigorous content standards for history/social science adopted by*
21 *the State Board pursuant to Section 60605. Prior to adoption by*
22 *the State Board, the Superintendent shall subject the United States*
23 *history and government section to the field testing and review*
24 *requirements specified in subdivisions (d) and (e). By January 1,*

1 2009, the State Board shall adopt a United States history and
2 government section developed pursuant to this subdivision for
3 inclusion in the high school exit examination.

4 ~~(b)~~

5 (c) The Superintendent of ~~Public Instruction~~, with the approval
6 of the State Board of ~~Education~~, shall establish a High School Exit
7 Examination Standards Panel to assist in the design and
8 composition of the exit examination and to ensure that the
9 examination is aligned with statewide academically rigorous
10 content standards. Members of the panel shall include, but are not
11 limited to, teachers, administrators, school board members, parents,
12 and the general public. Members of the panel shall serve without
13 compensation for a term of two years and shall be representative
14 of the state's ethnic and cultural diversity and gender balance. The
15 ~~superintendent~~ Superintendent shall also make the best effort to
16 ensure representation of the state's diversity relative to urban,
17 suburban, and rural areas. The ~~State Department of Education~~
18 ~~department~~ shall provide staff to the panel.

19 ~~(e)~~

20 (d) The Superintendent of ~~Public Instruction~~ shall require that
21 the examination be field tested before actual implementation to
22 ensure that the examination is free from bias and that its content
23 is valid and reliable.

24 ~~(d)~~

25 (e) Before the State Board of ~~Education~~ adopts the exit
26 examination, the Superintendent of ~~Public Instruction~~ shall submit
27 the examination to the Statewide Pupil Assessment Review Panel
28 established pursuant to Section 60606. The panel shall review all
29 items or questions to ensure that the content of the examination
30 complies with the requirements of Section 60614.

31 ~~(e)~~

32 (f) The exit examination prescribed in ~~subdivision (a)~~
33 ~~subdivisions (a) and (b)~~ shall conform to the following standards
34 or it shall not be required as a condition of graduation:

35 (1) The examination may not be administered to a pupil who
36 did not receive adequate notice as provided for in paragraph ~~(1)~~

37 ~~(2)~~ of subdivision ~~(f)~~ (g) regarding the test.

38 (2) The examination, regardless of federal financial participation,
39 shall comply with Title VI of the Civil Rights Act (42 U.S.C. Sec.
40 2000d et seq.), its implementing regulations (34 C.F.R. Part 100),

1 and the Equal Educational Opportunities Act of 1974 (20 U.S.C.
2 Sec. 1701).

3 (3) The examination shall have instructional and curricular
4 validity.

5 (4) The examination shall be scored as a criterion referenced
6 examination.

7 ~~(f)~~

8 (g) For purposes of this section, the following terms have the
9 following meanings:

10 (1) “Accommodations” means any variation in the assessment
11 environment or process that does not fundamentally alter what the
12 test measures or affect the comparability of scores.
13 “Accommodations” may include variations in scheduling, setting,
14 aids, equipment, and presentation format.

15 (2) “Adequate notice” means that the pupil and his or her parent
16 or guardian have received written notice, at the commencement
17 of the pupil’s 9th grade, and each year thereafter through the annual
18 notification process established pursuant to Section 48980, or if a
19 transfer pupil, at the time the pupil transfers. A pupil who has taken
20 the exit examination in the 10th grade is deemed to have had
21 “adequate notice” as defined in this paragraph.

22 (3) “Curricular validity” means that the examination tests for
23 content found in the instructional textbooks. For the purposes of
24 this section, any textbook or other instructional material adopted
25 pursuant to this code and consistent with the state’s adopted
26 curriculum frameworks shall be deemed to satisfy this definition.

27 (4) “Instructional validity” means that the examination is
28 consistent with what is expected to be taught. For the purposes of
29 this section, instruction that is consistent with the state’s adopted
30 curriculum frameworks for the subjects tested shall be deemed to
31 satisfy this definition.

32 (5) “Modification” means any variation in the assessment
33 environment or process that fundamentally alters what the test
34 measures or affects the comparability of scores.

35 ~~(g)~~

36 (h) The examination shall be offered to individuals with
37 exceptional needs, as defined in Section 56026, in accordance with
38 paragraph (17) of subsection (a) of Section 1412 of Title 20 of the
39 United States Code and Section 794 and following of Title 29 of
40 the United States Code. Individuals with exceptional needs shall

1 be administered the examination with appropriate accommodations,
2 where necessary.

3 ~~(h)~~

4 (i) Nothing in this chapter ~~shall prohibit~~ *prohibits* a school
5 district from requiring pupils to pass additional exit examinations
6 approved by the governing board of the school district as a
7 condition for graduation.

8 SEC. 2. Section 60851 of the Education Code is amended to
9 read:

10 60851. (a) Commencing with the 2003–04 school year and
11 each school year thereafter, each pupil completing grade 12 shall
12 successfully pass the high school exit examination as a condition
13 of receiving a diploma of graduation or a condition of graduation
14 from high school. *Commencing with the 2012–13 school year and*
15 *each school year thereafter, each pupil completing grade 12 shall,*
16 *in addition to successfully passing the English language arts and*
17 *mathematics sections of the high school exit examination,*
18 *successfully pass the United States history and government section*
19 *of the high school exit examination adopted by the State Board*
20 *pursuant to subdivision (b) of Section 60850.* Funding for the
21 administration of the high school exit examination shall be
22 provided for in the annual Budget Act. The Superintendent shall
23 apportion funds appropriated for this purpose to enable school
24 districts to meet the requirements of this subdivision and
25 subdivisions (b), (c), and (d). ~~The state board~~ *State Board* shall
26 establish the amount of funding to be apportioned per test
27 administered, based on a review of the cost per test.

28 (b) Each pupil shall take the high school exit examination in
29 grade 10 beginning in the 2001–02 school year and may take the
30 examination during each subsequent administration, until each
31 section of the examination has been passed. *Commencing with the*
32 *2010–11 school year, each pupil shall take the high school exit*
33 *examination, including the United States history and government*
34 *section adopted by the State Board pursuant to subdivision (b) of*
35 *Section 60850, in grade 10 and may take the examination during*
36 *each subsequent administration, until each section of the*
37 *examination has been passed.*

38 (c) (1) At the parent or guardian's request, a school principal
39 shall submit a request for a waiver of the requirement to
40 successfully pass the high school exit examination to the governing

1 board of the school district for a pupil with a disability who has
2 taken the high school exit examination with modifications that
3 alter what the test measures and has received the equivalent of a
4 passing score on one ~~or both~~, *two, or all* subject matter parts of
5 the high school exit examination. A governing board of a school
6 district may waive the requirement to successfully pass one or both
7 subject matter parts of the high school exit examination for a pupil
8 with a disability if the principal certifies to the governing board
9 of the school district that the pupil has all of the following:

10 (A) An individualized education program adopted pursuant to
11 the federal Individuals with Disabilities Education Act (20 U.S.C.
12 Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the
13 federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) in place
14 that requires the accommodations or modifications to be provided
15 to the pupil when taking the high school exit examination.

16 (B) Sufficient high school level coursework either satisfactorily
17 completed or in progress in a high school level curriculum
18 sufficient to have attained the skills and knowledge otherwise
19 needed to pass the high school exit examination.

20 (C) An individual score report for the pupil showing that the
21 pupil has received the equivalent of a passing score on the high
22 school exit examination while using a modification that
23 fundamentally alters what the high school exit examination
24 measures as determined by the ~~state board~~ *State Board*.

25 (2) A school district shall report to the ~~state board~~ *State Board*,
26 in a manner and by a date determined by the Superintendent, the
27 number and characteristics of waivers reviewed, granted, and
28 denied under this subdivision and any additional information
29 determined to be in furtherance of this subdivision.

30 (d) The high school exit examination shall be offered in each
31 public school and state special school that provides instruction in
32 grades 10, 11, or 12, on the dates designated by the Superintendent.
33 An exit examination may not be administered on any date other
34 than those designated by the Superintendent as examination days
35 or makeup days.

36 (e) The results of the high school exit examination shall be
37 provided to each pupil taking the examination within eight weeks
38 of the examination administration and in time for the pupil to take
39 any section of the examination not passed at the next
40 administration. A pupil shall take again only those parts of the

1 examination he or she has not previously passed and ~~may~~ *shall*
2 not retake any portion of the exit examination that he or she has
3 previously passed.

4 (f) Supplemental instruction shall be provided to any pupil who
5 does not demonstrate sufficient progress toward passing the high
6 school exit examination. To the extent that school districts have
7 aligned their curriculum with the state academic content standards
8 adopted by the ~~state board~~ *State Board*, the curriculum for
9 supplemental instruction shall reflect those standards and shall be
10 designed to assist the pupils to succeed on the high school exit
11 examination. This chapter does not require the provision of
12 supplemental services using resources that are not regularly
13 available to a school or school district, including summer school
14 instruction provided pursuant to Section 37252. In no event shall
15 any action taken as a result of this subdivision cause or require
16 reimbursement by the Commission on State Mandates. Sufficient
17 progress shall be determined on the basis of either of the following:

18 (1) The results of the assessments administered pursuant to
19 Article 4 (commencing with Section 60640) of Chapter 5 of Part
20 33 and the minimum levels of proficiency recommended by the
21 ~~state board~~ *State Board* pursuant to Section 60648.

22 (2) The grades of the pupil and other indicators of academic
23 achievement designated by the school district.